

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CRIMINAL PRODUCTIONS, INC.,

Plaintiff,

v.

JEREMIE EVANS, an individual;
HAI NGUYEN, an individual;
PHILLIP BUCHANAN, an individual;
DANIEL AKLIPI, an individual;
ZACH BETHKE, an individual;
JONATHAN VILLALUZ, an individual;
JAROD BURKHART, an individual; and
RANDALL THOMPSON, individual,

Defendants.

Civil Action No. 16-cv-1647RAJ

FIRST AMENDED COMPLAINT FOR
COPYRIGHT INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff submits its first amended complaint against Defendants:

I. INTRODUCTION

1. Plaintiff brings this action in an effort to stop Defendants and others from copying and distributing to others unauthorized copies of the Plaintiff's copyrighted motion picture through the BitTorrent file sharing protocol. Defendants' infringements allow them and others to unlawfully obtain and distribute unauthorized copyrighted works that the Plaintiff expended significant resources to create. Each time a Defendant unlawfully distributes an unauthorized copy of the Plaintiff's copyrighted motion picture to others over the Internet, each person who copies



1 that motion picture can then distribute that unlawful copy to others without any significant
 2 degradation in sound and picture quality. Thus, a Defendant's distribution of even a part of an
 3 unlawful copy of a motion picture can further the nearly instantaneous worldwide distribution of
 4 that single copy to an unlimited number of people. Further, Defendants acts of distributing
 5 Plaintiff's motion picture support, maintain and further a for-profit exploitation of the works of
 6 Plaintiff and others. The Plaintiff now seeks redress for this rampant infringement of its exclusive
 7 rights.

8 **II. JURISDICTION AND VENUE**

9 2. This is a civil action seeking damages and injunctive relief for copyright
 10 infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).

11 3. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal
 12 question); and 28 U.S.C. § 1338(a) (copyright).

13 4. Venue in this District is proper under 28 U.S.C. § 1391(b) and/or
 14 28 U.S.C. § 1400(a). Although the true identity of each Defendant is unknown to Plaintiff at this
 15 time, on information and belief each Defendant may be found in this District and/or a substantial
 16 part of the acts of infringement complained of herein occurred in this District. On information and
 17 belief, personal jurisdiction in this District is proper because each Defendant, without consent or
 18 permission of Plaintiff as exclusive rights owner, distributed and offered to distribute over the
 19 Internet copyrighted works for which Plaintiff has exclusive rights.

20 **III. PARTIES**

21 **A. PLAINTIFF AND ITS COPYRIGHT**

22 5. Plaintiff Criminal Productions, Inc. is a developer and producer of the motion
 23 picture *Criminal* for theatrical exhibition, home entertainment and other forms of distribution. The
 24 motion picture was first published April 15, 2016.

25 6. The motion picture is protected by the Copyright Act in motion picture Registration
 26 No. PA 1-984-029, effective April 15, 2016. (Exhibit A)

1 7. Under the Copyright Act, Plaintiff is the proprietor of all right, title and interest in
2 the motion picture, including the exclusive rights to reproduce and distribute to the public as well
3 as the right to sue for past infringement.

4 8. The motion picture contains wholly original material that is copyrightable subject
5 matter under the laws of the United States. It is an action thriller directed by Ariel Vromen and
6 stars Kevin Costner, Ryan Reynolds and Gal Gadot, among others. It is easily discernible as a
7 professional work as it was created using professional performers, directors, cinematographers,
8 lighting technicians, set designers and editors and with professional-grade cameras, lighting and
9 editing equipment. It has significant value and has been created, produced and lawfully distributed
10 at considerable expense. The motion picture is currently offered for sale in commerce, playing in
11 theaters and/or available or scheduled to be available for rental and/or purchase from Amazon,
12 iTunes and Netflix, among others.

13 9. Defendants have notice of Plaintiff's rights through general publication and
14 advertising and more specifically as identified in the content of the motion picture, advertising
15 associated with the motion picture, and all packaging and copies, each of which bore a proper
16 copyright notice.

17 **B. DEFENDANTS**

18 10. Upon information and belief, each Defendant copied and distributed Plaintiff's
19 copyrighted motion picture. The true names of Defendants were unknown to Plaintiff. Rather, each
20 Defendant was known to Plaintiff only by the Internet Protocol ("IP") address assigned by an
21 Internet Service Provider ("ISP") and the date and at the time at which the infringing activity of
22 each Defendant was observed. On information and belief, ISP's such as Comcast or CenturyLink
23 generally assign an IP address to a single party for extended periods of time, often for months or
24 even years. As such it is likely that for all relevant times each Defendant was the sole party
25 responsible for and in control of IP address. As explained in further detail below, through
26 geolocation, the IP address used by each Defendant was traced to the Western District of

1 Washington. The IP addresses, hash value, dates and times, ISP and geolocation contained in
2 Exhibit B correctly reflect the subscribers using the IP addresses that were all part of a “swarm”
3 of users that were reproducing, distributing, displaying and/or performing the copyrighted work.

4 11. In addition, the Court authorized Plaintiff to conduct expedited discovery with the
5 ISP that assigned the IP addresses to each Defendant in this case. Plaintiff promptly served the
6 subpoena on the ISP. The ISP subsequently responded to the subpoena providing the identity of
7 each Defendant, where available.

8 12. After receipt of the identity of each Defendant, Plaintiff engaged in further due
9 diligence in a good faith effort to confirm, on information and belief, that the identified subscriber
10 was the person responsible for the infringing conduct or, in the alternative, that another party with
11 access to the IP address of the subscriber was responsible. For example, each IP address has been
12 observed associated with significant BitTorrent activity and with the exchange of multiple other
13 titles on peer-to-peer networks apart from but in some instances close in time to that of motion
14 picture in this case. The volume, titles and persistent observed BitTorrent activity associated with
15 each Defendant’s IP address indicate (a) that each Defendant is not a transitory or occasional guest,
16 but either the primary subscriber of the IP address or someone who resides with the subscriber and
17 is an authorized user of the IP address; (b) that any user of the IP address would likely have been
18 aware of the bandwidth devoted to this activity through general service slowdown throughout the
19 observed period of activity as residential data services typically have limited capacity; (c) that such
20 subscriber or resident of the location is likely to have been aware of at least some of the infringing
21 activity throughout the observed period of activity; and/or (d) that each Defendant is not a child,
22 but more likely an adult, often with mature distinct tastes.

23 13. In certain instances, the pattern of BitTorrent activity associated with the IP address
24 may have been observed to cease on or near dates coinciding with notices sent by the ISP or
25 Plaintiff, providing a further indication that the subscriber either was the infringer or was aware of
26

1 the ongoing infringement utilizing the IP address assigned to the subscriber, and was in a position
2 to control ongoing BitTorrent activity.

3 14. Google address mapping and/or county records were investigated to confirm
4 ownership/rental status of and residence at the property associated with the IP address, as well as
5 observe the physical makeup and layout of the house and neighborhood to anticipate possible
6 claims that a wireless signal was high jacked by someone outside of the residence. Further, given
7 the standard security measures imposed by the ISP to prevent unauthorized use of an IP address,
8 the volume of piracy demonstrated over the extended observation period could not be the result of
9 someone driving by, a temporary houseguest or a hacker sitting in a car on the street

10 15. In some instances, investigative databases and social media sites such as Facebook
11 and LinkedIn were used to obtain further information on the subscriber.

12 16. Finally, in an exercise of caution, multiple letters were sent to the identified
13 individual, or their counsel to the extent Plaintiff was made aware thereof, informally requesting
14 their voluntary participation in identifying the actual infringer, to the extent that is different from
15 the subscriber. Where responses were received, Plaintiff attempted further informal follow-up with
16 the subscriber or their attorney, again in an effort to ensure, as much as possible short of formal
17 litigation proceedings, that each Doe Defendant was properly named.

18 17. Based on the investigation to date, and on information and belief, Plaintiff identifies
19 the Does remaining in this case on information and belief as follows:

20 18. ISP Comcast assigned the IP address 67.183.202.81 to Doe 1, Defendant Jeremie
21 Evans, 1910 Galenta Dr SW, Tumwater, WA 98512, for a period of time, including but not limited
22 to 2016-10-16 02:29:52 UTC, and Defendant's IP address was observed infringing Plaintiff's
23 motion picture at that time. On information and belief, Defendant resides at the noted location.

24 19. ISP Comcast assigned the IP address 71.236.193.115 to Doe 2, Defendant Hai
25 Nguyen, 13806 NE 63rd St., Vancouver, WA 98682, for a period of time, including but not limited
26



1 to 2016-10-08 04:59:48 UTC, and Defendant's IP address was observed infringing Plaintiff's
2 motion picture at that time. On information and belief, Defendant resides at the noted location.

3 20. ISP Comcast assigned the IP addresses 67.185.179.28 and 76.22.114.162 to Does 3
4 and 4, respectively, Defendant Phillip Buchanan, 8020 Mukilteo Speedway - Apt. 8, Mukilteo,
5 WA 98275, for a period of time, including but not limited to 2016-10-07 03:01:11 and 2016-09-
6 26 05:26:12 UTC, respectively, and Defendant's IP addresses were observed infringing Plaintiff's
7 motion picture at those times. On information and belief, Defendant resides at the noted location.

8 21. ISP Comcast assigned the IP address 73.35.252.228 to Doe 5 at address 14210
9 108th Ave NE, Kirkland, WA 98034, for a period of time including but not limited to 2016-09-21
10 05:57:35 UTC, and the IP address was observed infringing Plaintiff's motion picture at that time.
11 On information and belief, Defendant Daniel Aklipi resides at the noted location and had access
12 to the IP address at the noted time.

13 22. ISP Comcast assigned the IP address 98.225.22.127 to Doe 6, Defendant Zach
14 Bethke, 13328 3rd Ave NE, Seattle, WA 98125, for a period of time, including but not limited to
15 2016-09-12 09:39:37 UTC, and Defendant's IP address was observed infringing Plaintiff's motion
16 picture at that time. On information and belief, Defendant resides at the noted location.

17 23. ISP Comcast assigned the IP address 24.16.214.69 to Doe 8, Defendant Jonathan
18 Villaluz, 10418 17th Ave SW, Seattle, WA 98146, for a period of time, including but not limited
19 to 2016-09-07 10:11:38 UTC, and Defendant's IP address was observed infringing Plaintiff's
20 motion picture at that time. On information and belief, Defendant resides at the noted location.

21 24. ISP Comcast assigned the IP address 73.254.115.91 to Doe 9, Defendant Jarod
22 Burkhart, 7306 213th Pl SW - Apt. 106, Edmonds, WA 98026, for a period of time, including but
23 not limited to 2016-09-06 11:49:20 UTC, and Defendant's IP address was observed infringing
24 Plaintiff's motion picture at that time. On information and belief, Defendant resides at the noted
25 location.
26

1 25. ISP Comcast assigned the IP address 73.157.43.232 to Doe 11, Defendant Randall
2 Thompson, 18240 70th Ln NE - Apt. 101, Kenmore, WA 98028, for a period of time, including
3 but not limited to 2016-09-04 06:57:33 UTC, and Defendant's IP address was observed infringing
4 Plaintiff's motion picture at that time. On information and belief, Defendant resides at the noted
5 location.

6 **IV. PEER-TO-PEER NETWORKS AND THE BITTORRENT PROTOCOL**

7 26. Defendants are participants in a peer-to-peer ("P2P") network using the BitTorrent
8 protocol. The BitTorrent protocol makes even small computers with low bandwidth capable of
9 participating in large data transfers across a P2P network. To begin an exchange, the initial file-
10 provider intentionally elects to share a file with a torrent network. This initial file is called a seed.
11 Other users ("peers") connect to the network and connect to the seed file to download. As yet
12 additional peers request the same file each additional user becomes a part of the network from
13 where the file can be downloaded. However, unlike a traditional peer-to-peer network, each new
14 file downloader is receiving a different piece of the data from users who have already downloaded
15 the file that together comprises the whole. This piecemeal system with multiple pieces of data
16 coming from peer members is usually referred to as a "swarm." The effect of this technology
17 makes every downloader also an uploader of the illegally transferred file(s). This means that every
18 "node" or peer user who has a copy of the infringing copyrighted material on a torrent network
19 can also be a source of download, and thus distributor for that infringing file.

20 27. This distributed nature of BitTorrent leads to a rapid viral spreading of a file
21 throughout peer users. As more peers join the swarm, the likelihood of a successful download
22 increases. Essentially, because of the nature of the swarm downloads as described above, every
23 infringer is sharing copyrighted material with other infringers.

24 28. Defendants actions are part of a common design, intention and purpose to hide
25 behind the apparent anonymity provided by the Internet and the BitTorrent technology to
26 download pieces of the copyrighted motion picture in a manner that, but for the investigative

1 technology used by Plaintiff, would be untraceable, leaving the Plaintiff without the ability to
 2 enforce its copyright rights. By participating in the “swarm” to download Plaintiff’s copyright
 3 motion picture, the Defendants agreed with one another to use the Internet and BitTorrent
 4 technology to engage in violation of federal statute to accomplish and unlawful objective.

5 **V. COMPUTER FORENSIC IDENTIFICATION OF BITTORRENT INFRINGEMENT**

6 29. Plaintiff has identified each Defendant by the IP address assigned by the ISP used
 7 by each Defendant and the date and at the time at which the infringing activity of each Defendant
 8 was observed. This is accomplished using forensic software to collect, identify and record the IP
 9 addresses in use by those people that employ the BitTorrent protocol to share, copy, reproduce and
 10 distribute copyrighted works.

11 30. More specifically, forensic software is used to scan peer-to-peer networks for the
 12 presence of infringing transactions with respect to a particular audiovisual work. Any digital copy
 13 of an audiovisual work may be uniquely identified by a unique, coded, string of characters called
 14 a “hash checksum.” The hash checksum is a string of alphanumeric characters generated by a
 15 mathematical algorithm known as US Secure Hash Algorithm 1 or “SHA-1.” This software
 16 facilitates the identification of computers that are used to transmit a copy or a part of a copy of a
 17 digital media file identified by a particular hash value by their IP address at a particular date and
 18 time. To overcome concerns with spoofing or the like, a direct TCP connection is made to each
 19 defendant’s computer. Additional software using geolocation functionality is then used to confirm
 20 the geographical location of the computer used in the infringement. Though an IP address alone
 21 does not reveal the name or contact information of the account holder, in this case the Doe
 22 Defendant, it does reveal the likely general location of the Defendant. IP addresses are distributed
 23 to ISPs by public, nonprofit organizations called Regional Internet Registries. These registries
 24 assign blocks of IP addresses to ISPs by geographic region. In the United States, these blocks are
 25 assigned and tracked by the American Registry of Internet Numbers. Master tables correlating the
 26 IP addresses with local regions are maintained by these organizations in a publicly available and

1 searchable format. An IP address' geographic location can be further narrowed by cross-
2 referencing this information with secondary sources such as data contributed to commercial
3 databases by ISPs.

4 31. The result is evidence logs of infringing transactions and the IP addresses of the
5 users responsible for copying and distributing the audiovisual work. The IP addresses, hash value,
6 dates and times, ISP and geolocation contained in Exhibit B correctly reflect the subscribers using
7 the IP addresses and that they were all part of a "swarm" of users that were reproducing,
8 distributing, displaying or performing the copyrighted work.¹ As noted above, through early
9 discovery authorized by the Court, Plaintiff was able to identify the Does associated with the IP
10 addresses observed infringing activity in this case.

11 VI. JOINDER

12 32. Each Defendant is alleged to have committed separate violations of
13 17 U.S.C. § 101 *et. seq.* within the same series of transactions or occurrences (e.g. downloading
14 and distribution of the same copyrighted motion picture owned by Plaintiff) and by using the same
15 means (BitTorrent network). The infringed work was included in one file related to the torrent file;
16 in other words, all the infringements alleged in this lawsuit arise from the exact same unique copy
17 of Plaintiff's movie as evidenced by the cryptographic hash value. The Defendants are all part of
18 the exact same "swarm." Defendants' acts occurred in the same series of transactions because each
19 Defendant downloaded and/or distributed, or offered to distribute the motion picture to other
20 infringers on the network, including the Doe Defendants and/or other network users, who in turn
21 downloaded and/or distributed the motion picture. The temporal proximity of the observed acts of

22
23 ¹ In logs kept in the ordinary course of business, ISPs keep track of the IP addresses assigned to their
24 subscribers. Once provided with an IP address, plus the date and time of the detected and documented infringing
25 activity, ISPs can use their subscriber logs to identify the subscriber with more specificity. Only the ISP to whom a
26 particular IP address has been assigned for use by its subscribers can correlate that IP address to a particular subscriber.
From time to time, a subscriber of Internet services may be assigned different IP addresses from their ISP. Thus, to
correlate a subscriber with an IP address, the ISP also needs to know when the IP address was being used.
Unfortunately, many ISPs only retain for a very limited amount of time the information necessary to correlate an IP
address to a particular subscriber, making early discovery important.



1 each Defendant, together with the known propensity of BitTorrent participants to actively
2 exchange files continuously for hours and even days, makes it possible that Defendants either
3 directly exchanged the motion picture with each other, or did so through intermediaries and each
4 shared in the distribution of the motion picture to others. Therefore, Defendants each conspired
5 with other infringers on the BitTorrent network to copy and/or distribute the motion picture, either
6 in the same transaction or occurrence or a series of transactions or occurrences.

7 33. To use BitTorrent, a user intentionally downloads a program that they then install
8 on their computer called a “client.” The BitTorrent client is the user’s interface during the
9 downloading/uploading process. The client may be free, supported by advertising, offer upgrades
10 or add on services for a fee, or a combination of several options. Users then intentionally visit a
11 “torrent site” or network site to find media or content available for download, often using a
12 standard web browser. A torrent site is often advertising revenue or subscription supported index
13 of media or content being made available by other users on the network and maintains a listing of
14 movies and television programs among other protected content. A user then uses the torrent site to
15 connect with other users and exchange or “share” content though the BitTorrent protocol often
16 with many users at the same time.

17 34. Internet piracy, and in particular BitTorrent piracy, though known as peer-to-peer
18 file sharing, is often a for-profit business as many software clients, torrent sites and networks
19 generate millions of dollars in revenue through sales and advertising. To increase the value of the
20 advertising and sometimes subscription access sold by torrent sites, many torrent sites work to
21 expand the pool of available titles and speed of downloads through increasing the number of
22 member peers and thus the desirability of their clients and networks. To accomplish this, they
23 reward participants who contribute by giving them faster download speeds, greater access, or other
24 benefits.

25 35. A significant element of the BitTorrent economic model is that those who
26 participate and download movies not only share and upload movies with others, but participants

1 are often rewarded through various means based on the volume and availability of content
2 participants in turn provide the network. In sum, there is a feedback incentive for participants as
3 they obtain not only the benefit of their pirated copy of a movie, but they obtain other benefits by
4 increasing the availability of pirated content to others. As such there are a growing number of users
5 that participate in peer-to-peer networks and receive personal gain or compensation in that the
6 networks they use reward those who provide large numbers of files for upload to others.

7 36. The use of BitTorrent does more than cause harm through the theft of intellectual
8 property. The BitTorrent distribution of pirated files is a model of business that profits from theft
9 through sales and advertising and a system of rewards and compensation to the participants, each
10 of whom contribute to and further the enterprise. Each Defendant is a participant in the BitTorrent
11 distribution of pirated files and the substantially similar conduct of each Defendant furthered a
12 model of business that profits from theft of intellectual property including Plaintiff's motion
13 picture.

14 37. Accordingly, pursuant to Fed.R.Civ.P. 20(a)(2) each of the Defendants is therefore
15 properly joined at least because: (a) the infringement complained of herein by each of the
16 Defendants was part of a series of transactions involving separate acts of infringement of an
17 identical copy of Plaintiff's copyrighted work; (b) the conduct of each Defendant supported and
18 advanced an economic business model of profiting from the piracy of Plaintiff's copyrighted work;
19 (c) there are common questions of law and fact; and (c) each Defendant knowingly and actively
20 participated in a conspiracy to perform a separate but related illegal act and/or injure Plaintiff
21 through use of the BitTorrent protocol to infringe Plaintiff's copyrighted work.

22 38. Permissive joinder in the instant case is to permit a more efficient management of
23 Plaintiff's claims against the several Defendants and to reduce the costs to Plaintiff and Defendants
24 and to reduce the costs and burdens on the Court. Notice is provided, that on being specifically
25 identified and on request from an identified Defendant, Plaintiff agrees to sever any Defendant
26

1 that claims prejudice in being joined in this matter and to proceed against each such Defendant
2 individually.

3 **VII. CAUSE OF ACTION—COPYRIGHT INFRINGEMENT**

4 39. Plaintiff realleges the substance of the prior paragraphs.

5 40. Plaintiff owns the exclusive rights to the commercially released motion picture,
6 which has significant value and has been acquired, produced and created at considerable expense.

7 41. At all relevant times Plaintiff has been the holder of the pertinent exclusive rights
8 infringed by Defendants to the copyrighted motion picture. The motion picture is the subject of a
9 valid application for and/or Certificate of Copyright Registration.

10 42. Plaintiff is informed and believes that each Defendant, without the permission or
11 consent of Plaintiff, has used, and continues to use, an online media distribution system to
12 wrongfully misappropriate, reproduce and distribute to the public, including by making available
13 for distribution to others the motion picture. On information and belief, each Defendant
14 participated in a swarm and/or reproduced and/or distributed the same seed file of the motion
15 picture in digital form either directly with each other. Plaintiff has identified each Defendant by
16 the IP address assigned to that Defendant by his or her ISP and the date and at the time at which
17 the infringing activity of each Defendant was observed.

18 43. In addition, or in the alternative, Defendants obtained Internet access through an
19 ISP and permitted, facilitated and materially contributed to the extensive use of the Internet
20 through his ISP for infringing Plaintiff's exclusive rights under The Copyright Act by others.
21 Defendants, with knowledge of the infringing conduct, failed to reasonably secure, police and
22 protect the use of his Internet service against use for improper purposes such as piracy, including
23 the downloading and sharing of Plaintiff's motion picture by others. Defendants had the right and
24 ability to supervise and control the activity constituting the infringement.

25 44. In doing so, each Defendant has directly, indirectly and/or contributorily violated
26 Plaintiff's exclusive rights of at least reproduction, preparation derivative works and distribution.

Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under 17 U.S.C. § 101 et seq.

45. The motion picture contains a copyright notice advising the viewer that the motion picture is protected by the copyright laws. Each of the Defendants' actions with respect to copyright infringement and other acts described herein were made with full knowledge of Plaintiff's ownership of the copyrights in the motion picture.

46. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause the Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. The Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, the Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the Plaintiff's copyright and ordering that each Defendant destroy all copies of the copyrighted motion picture made in violation of the Plaintiff's copyrights.

47. By reason of the foregoing separate acts of infringement, if such remedy is elected at trial, Plaintiff is entitled to statutory damages from each Defendant pursuant to 17 USC §504, *et seq.* Alternatively, at Plaintiff's election, Plaintiff is entitled to its actual damages incurred as a result of each Defendant's acts of infringement plus any profits of each Defendant attributable to the infringements.

48. The foregoing acts of infringement by each Defendant have been willful, intentional, and in disregard of and with indifference to the rights of Plaintiff.

49. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment separately against each Defendant as follows:

- A. Pursuant to 17 U.S.C. §502, an order preliminarily and permanently enjoining each Defendant from directly or indirectly infringing Plaintiff's rights in any motion

picture, whether now in existence or later created, that is owned or controlled by Plaintiff, including without limitation by using the Internet to reproduce or copy, distribute or otherwise make available for distribution to the public Plaintiff's motion pictures, except pursuant to a lawful license or express authority of Plaintiff.

- B. Pursuant to 17 U.S.C. § 503, an order that each Defendant destroy all copies of Plaintiff's motion pictures that Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization and shall destroy all copies of those motion pictures transferred onto any physical medium or device in each Defendant's possession, custody, or control.
- C. An order that each Defendant file with this Court and serve on Plaintiff, within 30 days of service of this order, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the terms of the ordered relief.
- D. Pursuant to 17 U.S.C. § 504 or other applicable provision, for actual or statutory damages from each separate Defendant, at the election of Plaintiff, and a finding of willful infringement.
- E. Pursuant to 17 U.S.C. § 505, for Plaintiff's reasonable attorney's fees and costs against each separate Defendant.
- F. For such other and further relief as the Court deems proper.

RESPECTFULLY SUBMITTED this 31st day of March, 2017.

s/David A. Lowe, WSBA No. 24,453

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